

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

Case No. 99-10023-04-JTM

ROBERT TURNER,  
Defendant.

---

MEMORANDUM AND ORDER

Following his conviction on March 7, 2001 of multiple counts of the Indictment, defendant Robert Turner filed a direct appeal which was rejected by the Tenth Circuit on April 26, 2002. Turner later filed a Motion to Vacate under § 2255, which was denied by this court on April 9, 2004. (Dkt. No. 216). Turner then filed a Motion for Judgment; this was denied on October 22, 2004. (Dkt. No. 233). The matter is before the court on defendant-petitioner Robert Turner's Motion for Discovery. Turner seeks copies of the Food-4-Less surveillance videotape, as well as the videotape of his co-defendant's confession.

Turner's wholly general and conclusory request for the discovery is without merit. He has failed to articulate how discovery would help develop any basis for § 2255 relief, especially given the court's previous rejection of his prior § 2255 motion. Rule 6(a) of the rules relating to § 2255 proceedings provides that the court in its discretion and for good cause may permit a party to take discovery. Turner has not shown that he could be entitled to relief if the facts were more fully developed on his claims, that he might be able to demonstrate that he is entitled to relief, and therefore

has not shown good cause for discovery. *See Bracy v. Gramley*, 520 U.S. 899, 908-09, 117 S.Ct. 1793, 138 L.Ed.2d 97 (1997).

IT IS ACCORDINGLY ORDERED this 30<sup>th</sup> day of August, 2005, that the defendant-petitioner's Motion for Discovery, (Dkt. No. 235) is hereby denied.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE